

SM

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/659,336	COMPTON, JOHN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Arnel C. Lavarias	2872	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/14/05, 9/11/03.
2. ☒ The allowed claim(s) is/are 10-15 (renumbered 1-6).
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

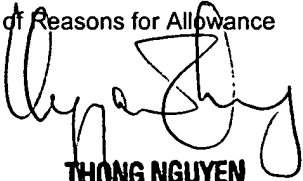
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>4/13/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|   | 9. <input type="checkbox"/> Other _____   |

  
**THONG NGUYEN**  
**PRIMARY EXAMINER**  
**GROUP 2800**

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group II (Claims 10-15) in the reply filed on 2/14/05 is acknowledged.
2. Claims 1-9, 16-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/14/05.

### *Priority*

3. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

### *Drawings*

4. The drawings were received on 9/11/03.

### *Allowable Subject Matter*

5. Claims 10-15 are allowed.
6. This application is in condition for allowance except for the presence of Claims 1-9, 16-20 to inventions non-elected without traverse. Accordingly, Claims 1-9, 16-20 have been cancelled.

### EXAMINER'S AMENDMENT

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Karen M. Gerken (301-610-7634) on 4/13/05 (See also attached Interview Summary dated 4/13/05).

The application has been amended as follows:

Cancel Claims 1-9, 16-20.

Paragraph 0081, line 13, after "rearward pivot", change "76B" to --78B--.

Paragraph 0081, line 16, after "forward face", change "off" to --of--.

Paragraph 0081, line 17, after "rearward pivot", change "76B" to --78B--.

Paragraph 0081, line 18, after "rearward pivot", change "76B" to --78B--.

Paragraph 0083, line 8, after "rearward pivot", change "76B, causing the rearward pivot 76B" to --78B, causing the rearward pivot 78B --.

Paragraph 0085, line 11, after "rearward pivot", change "76B, causing the rearward pivot 76B" to --78B, causing the rearward pivot 78B --.

Paragraph 0085, line 12, after "rearward pivot", change "76B" to --78B--.

Paragraph 0093, line 33, after "which", change "interest" to --intersect--.

Abstract, lines 12-13, delete "A telescope tube is made of a plurality of wooden slats interconnected along their sides by a like plurality of wooden ribs."

Art Unit: 2872

8. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

Figure 14- either delete reference numeral 257, or add reference numeral 257 to the specification.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

9. The following is an examiner's statement of reasons for allowance:

Claim 10 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a telescope, as generally recited in Claim 10, the telescope including, in combination, an elongate telescope tube; a mount supporting the telescope tube; and a clamp assembly disposed between a pair of vertical bearings and comprising a plurality of longitudinally spaced clamp members and an actuating mechanism for pivoting the clamp members between an open and closed clamp position, each clamp member having an aperture through which the telescope tube extends, and the actuating mechanism including an actuating member interconnecting the clamp members for pivotal movement between the open and closed clamp positions.

Claims 11-15 are dependent on Claim 10, and hence are allowable for at least the same reasons that Claim 10 is allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 2711589 to Stock.

Stock is being cited to evidence a telescope (See Figures 1-2) comprising an elongate telescope tube having a central longitudinal axis (See 26 in Figures 1-2); a mount (See sections of telescope mount including 1 and 12 in Figure 1) supporting said telescope tube for altitude and azimuth positioning, said mount comprising an azimuth assembly (See for example 12, 14 in Figure 1) and an altitude assembly (See for example 1, 6, 10 in Figure 1) supported on said azimuth assembly, said azimuth assembly comprising a horizontal platform (See for example horizontal section of 12 in Figure 1) rotatable about a vertical azimuth rotation axis, a pair of vertical bearing holders (See for example vertical sections of 12 in Figure 1) supported on said platform in parallel spaced relation, said altitude assembly comprising a pair of bearings (See for example ends 10 in Figure 1) interconnected in spaced relation (It is noted that vertical bearings interconnected in a spaced apart relation is known in the art, as this is just a conventional Dobsonian telescope mount), said bearings being supported on said bearing holders for rotation about an altitude rotation axis perpendicular to said azimuth rotation axis; and a clamp assembly (See for example 1, 6, 16, 17, 24, 25 in Figures 1-2) disposed between said bearings and comprising a plurality of longitudinally spaced clamp members (See for example 25 in Figure 2) selectively pivotal between open and closed clamp positions and

an actuating mechanism (See bolts/nuts on 25 in Figures 1-2) for pivoting said clamp members between said open and closed clamp positions, each of said clamp members having an aperture through which said telescope tube extends, said telescope tube being movable longitudinally along said central longitudinal axis and being rotatable about said central longitudinal axis within said apertures when said clamp members are in said open clamp position, said telescope tube being prevented from moving longitudinally along said central longitudinal axis and being prevented from rotation about said central longitudinal axis within said apertures when said clamp members are in said closed clamp position (Loosening the bolts/nuts allows the telescope tube to rotate and slide along the axis of the telescope tube), and said actuating mechanism including an operating member for operating said actuating member to move said clamp members between said open and close clamp positions (See bolts/nuts on 25 in Figures 1-2). However, Stock does not specifically disclose the actuating mechanism including an actuating member interconnecting said clamp members for pivotal movement between said open and closed clamp positions, and it would not have been apparent or obvious to one of ordinary skill in the art to have the clamp members of Stock include an actuating member interconnecting the clamp members for pivotal movement between said open and closed clamp positions.

U.S. Patent No. 2717447 to Leupold.

Leupold is being cited to evidence a clamp, particularly for use with telescopes (See for example Figures 1-4, 6), the clamp comprising clamp assembly (See for example 11, 15-16 in Figure 1) comprising a plurality of longitudinally spaced clamp members (See

for example 15 in Figure 1) selectively pivotal between open and closed clamp positions and an actuating mechanism (See 26, 30 in Figure 1) for pivoting said clamp members between said open and closed clamp positions, said telescope tube (See 18 in Figure 1) being movable longitudinally along said central longitudinal axis and being rotatable about said central longitudinal axis within said apertures when said clamp members are in said open clamp position, said telescope tube being prevented from moving longitudinally along said central longitudinal axis and being prevented from rotation about said central longitudinal axis within said apertures when said clamp members are in said closed clamp position (Loosening the bolt allows the telescope tube to rotate and slide along the axis of the telescope tube), and said actuating mechanism including an operating member for operating said actuating member to move said clamp members between said open and close clamp positions (See 30 in Figure 1). However, Leupold does not specifically disclose the actuating mechanism including an actuating member interconnecting said clamp members for pivotal movement between said open and closed clamp positions or the clamp members having an aperture through which the telescope tube extends, and it would not have been apparent or obvious to one of ordinary skill in the art to have the clamp members of Leupold include an actuating member interconnecting the clamp members for pivotal movement between said open and closed clamp positions.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

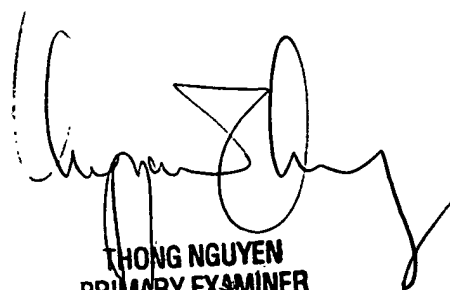
Art Unit: 2872

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arnel C. Lavarias  
4/12/05



THONG NGUYEN  
PRIMARY EXAMINER  
GROUP 2800